

1     STATE OF ILLINOIS     )  
2     COUNTY OF COOK     )     SS.  
3                             BEFORE THE  
4                             ILLINOIS COMMERCE COMMISSION  
5     MICHAEL KREITH,                     )  
6                             Claimant,                     )  
7                             vs.                             ) No. 14-0087  
8     PEOPLE GAS LIGHT AND COKE COMPANY,                     )  
9                             Respondent.                     )  
10  
11    Complaint as to trespassing and stealing property in  
12    Chicago, Illinois.  
13  
14    Met pursuant to notice on June 24th, 2014.  
15    Before the ADMINISTRATIVE LAW JUDGE JOHN T. RILEY,  
16  
17    APPEARANCES:  
18        MR. MICHAEL KREITH,  
19            Appearing Pro Se;  
20        CHILTON, YAMBERT & PORTER, LLP  
21        MR. PAUL PADRON  
22            On behalf of Peoples Gas Light and Coke  
23            Company;  
24        LEGAL AND GOVERNANCE SERVICES  
25        INTEGRYS BUSINESS SUPPORT, LLC  
26        MR. KOBAYASHI  
27            On behalf of Peoples Gas Light and Coke  
28            Company.

1           ADMINISTRATIVE LAW JUDGE RILEY: Pursuant to the  
2 direction of the Illinois Commerce Commission, I call  
3 Docket No. 14-0087. This is a complaint by Michael  
4 Kreith versus Peoples Gas Light and Coke Company with  
5 regards to trespassing, stealing property, false  
6 accusations, and theft.

7           Mr. Kreith, are you still appearing without an  
8 attorney?

9           MR. KREITH: Yes.

10          ADMINISTRATIVE LAW JUDGE RILEY: All right. And,  
11 again, we're -- The property in question is 10550 South  
12 Homan in Chicago?

13          MR. KREITH: Correct.

14          ADMINISTRATIVE LAW JUDGE RILEY: And for Peoples  
15 Gas?

16          MR. PADRON: Paul Padron, P A D R O N, for Peoples,  
17 I think you have my information there. And Koby Bailey  
18 is with me from Peoples Gas.

19          ADMINISTRATIVE LAW JUDGE RILEY: All right. And  
20 can you give us your office address?

21          MR. PADRON: Sure. Yes. The office address is  
22 2000 South Batavia Avenue, Second Floor, Geneva,  
23 Illinois 60189 -- I'm sorry -- 60134. And my -- my  
24 direct line is (630) 262-7490.

25          ADMINISTRATIVE LAW JUDGE RILEY: Thank you.

1                   And, gentleman, this is yet another status in  
2   this matter. And from my notes and the transcript of  
3   the prior status, it was my understanding that Peoples  
4   Gas was going to file an answer within 14 days which  
5   would have been sometime near the end of May, and that  
6   there was going to be a brief 30-to-45-day period needed  
7   for the completion of some discovery and an  
8   investigation of meter and that sort of thing.

9                   Mr. Kreith, you go first as the complainant.  
10   What -- Has anything been done?

11                  MR. KREITH: Absolutely nothing on Peoples' end. I  
12   received no information from them.

13                  ADMINISTRATIVE LAW JUDGE RILEY: What is Peoples  
14   status now?

15                  MR. PADRON: I just came into this, Judge, last  
16   week. I believe it was Wednesday or Thursday. And  
17   spoke with Mr. Kreith yesterday for a good half hour,  
18   and I thought we actually had a good conversation, made  
19   some --

20                  MR. KREITH: Yep. Trying to get somewhere.

21                  MR. PADRON: Trying to get somewhere.

22                         The bottom line is, Judge -- and what I told  
23   Mr. Kreith -- I've read the transcripts, and I've read  
24   as much as I could from the Web site, the Clerk's Web  
25   side. Mr. Kreith and I discussed it yesterday. And,

1 basically, from -- from what I see, we have really two  
2 separate and distinct issues. The first issue is when  
3 Peoples went to Mr. Kreith's home and took the meter.

4 ADMINISTRATIVE LAW JUDGE RILEY: The meter or the  
5 magnet.

6 MR. PADRON: Both. Yeah.

7 ADMINISTRATIVE LAW JUDGE RILEY: Okay.

8 MR. PADRON: And it's that action which led to the  
9 trespassing, stealing, and false accusation claims,  
10 those three claims.

11 And I told Mr. Kreith yesterday, assuming the  
12 allegations that are in his complaint are correct, I  
13 understand why he's mad. And it's absolutely within his  
14 right to bring those three claims against Peoples.

15 The second issue is the bill that was issued  
16 to Mr. Kreith for I think it was around \$1700.

17 MR. KREITH: Yeah. 16, 17.

18 MR. PADRON: And that issue -- Again, I understand  
19 his issue with that when all of a sudden, he gets a bill  
20 for \$1700.

21 To me, those two issues are separate and  
22 distinct because the ICC is here to specifically  
23 determine and hear any complaints or disputes regarding  
24 billed or unbilled service.

25 So I believe that the issue of that bill and

1 the issue of this unused -- I'm sorry -- unbilled usage  
2 is absolutely in the right place, and Mr. Kreith has  
3 every right to proceed with an evidentiary hearing here,  
4 and your Honor has the authority to, pursuant to  
5 evidentiary hearing, make any ruling you want in terms  
6 of wiping out the bill or holding the bill, to be  
7 proper.

8                   On the other hand, the issue of the  
9 trespassing and the stealing and the false accusations,  
10 those claims are not what the ICC is supposed to be  
11 hearing. And as I told Mr. Kreith yesterday, even if we  
12 proceed with an evidentiary hearing on these three  
13 claims and even if your Honor were to find, you know  
14 what, Mr. Kreith? You proved your case. Peoples is  
15 guilty of those three claims, what do you want? And  
16 Mr. Kreith says, "I want \$5,000" -- or that's at least  
17 what's in the complaint, and that's what we discussed  
18 yesterday, this jurisdiction doesn't have the ability to  
19 grant him those monetary damages.

20                   Now, Mr. Kreith -- and he understands that.  
21 It's not -- He's not contesting that. The issue then  
22 becomes, you know, Mr. Kreith is very upset with this,  
23 and he will then at least -- and correct me if I'm  
24 wrong; I don't want to speak for you -- but what I  
25 gathered yesterday, would proceed to the Circuit Court

1 and the proper venue, the proper jurisdiction where a  
2 judge could say, "All right. I'm going to grant you  
3 \$5,000."

4 But what -- I don't -- I don't know if  
5 Mr. Kreith was aware of this fact is that if we were to  
6 proceed with an evidentiary hearing on these three  
7 claims here with Judge Riley, and he were to make a  
8 ruling in your favor, if you show up in the Circuit  
9 Court and say, "Here is my ruling from Judge Riley. I  
10 want my money," that's not how it works.

11 That judge, he or she, is going to say, "Well,  
12 that's fine that Judge Riley found whatever he found,  
13 but now you're in my jurisdiction. You have to prove  
14 your case all over again."

15 So, in other words, if we proceed with an  
16 evidentiary hearing on those three claims right here,  
17 we're just spinning our wheels. We're wasting your  
18 time, we're wasting the ICC's time, wasting her time,  
19 everybody's time. And why -- why do that?

20 I mean -- And I told Mr. Kreith yesterday, my  
21 goal coming in here is to look at everything objectively  
22 and move forward. Because I know he doesn't want to  
23 deal with Peoples anymore, and I don't blame him.

24 So my suggestion -- and I suggested this to  
25 him yesterday -- was let's proceed here with your Honor

1 on the bill -- on the \$1700 bill -- that he is  
2 contesting, which makes perfect sense to me. Then we  
3 can provide him with the meter for his inspection, he  
4 can depose anyone he wants, the three gentlemen who  
5 removed the meter, and so forth, and then have an  
6 evidentiary hearing.

7 We get -- That way, then, we're resolved in  
8 this one issue, and then with the other three issues,  
9 you can proceed in the proper venue in the Circuit  
10 Court.

11 ADMINISTRATIVE LAW JUDGE RILEY: Mr. Kreith.

12 MR. KREITH: Yeah. I agreed with that. I want  
13 this \$1700 bill to be resolved.

14 ADMINISTRATIVE LAW JUDGE RILEY: Okay. So that's  
15 essentially --

16 MR. KREITH: That's the main --

17 ADMINISTRATIVE LAW JUDGE RILEY: -- what your  
18 complaint boils down to?

19 MR. KREITH: This bill.

20 ADMINISTRATIVE LAW JUDGE RILEY: Where in the  
21 complaint specifically does it mention the \$1700?

22 MR. KREITH: I don't know if I have --

23 ADMINISTRATIVE LAW JUDGE RILEY: I've read this I  
24 don't know how many times, I just haven't memorized it.

25 MR. PADRON: Judge, I didn't see the \$1700 bill in

1 complaint; I saw it in the first transcript from  
2 February 25th.

3 ADMINISTRATIVE LAW JUDGE RILEY: Okay. What it  
4 amounts to is that, essentially, what we're saying is  
5 that Mr. Kreith should actually file an amended  
6 complaint.

7 Because counsel does have a good point with  
8 regard to the trespassing, stealing property, and false  
9 accusation of theft. If you're looking for punitive  
10 damages, it's beyond the Commission's ability to award  
11 that kind of money, and that would have to come from a  
12 State court. If I were to make a ruling, as he said,  
13 and you were to take it into a State court, they would  
14 say, "No, we don't recognize that ruling."

15 MR. KREITH: Right.

16 ADMINISTRATIVE LAW JUDGE RILEY: That's -- The  
17 evidence has got to be presented to the State court  
18 directly.

19 MR. KREITH: Right.

20 ADMINISTRATIVE LAW JUDGE RILEY: So is Peoples  
21 Gas -- Well, I guess that obviates the need for a reply  
22 for a final answer to the complaint.

23 MR. PADRON: Correct. Correct.

24 We still need to get Mr. Kreith, you know,  
25 access to the meter. He wants to inspect the meter.



1 That's absolutely fine, and we will set that up. And,  
2 you know, any other -- if he wants to depose --

3 MR. KREITH: And it would be -- I'm sorry. There  
4 would be two meters. I don't know why there is another  
5 meter that was used.

6 MR. PADRON: And that was something that we talked  
7 about yesterday. And I know that it's an issue that he  
8 wants straightened out, as well as I. Mr. Kreith was  
9 under the impression from the materials that he has  
10 that -- and I'm sort of putting the cart before the  
11 horse here -- but he wants to make sure -- the bottom  
12 line is he wants to make sure that the bill that he  
13 received for the \$1700 is for the actual meter that was  
14 outside of his home and not some other meter.

15 Correct?

16 MR. KREITH: Correct.

17 MR. PADRON: Okay.

18 ADMINISTRATIVE LAW JUDGE RILEY: Okay. So what is  
19 the next step in the process?

20 MR. PADRON: My suggestion, if you're both okay  
21 with this, would be to give me some time, maybe 21 days,  
22 just to get the material that Mr. Kreith is looking for  
23 regarding the bill. And, also, that would give me time  
24 to set up with Mr. Kreith and with Peoples Gas an  
25 opportunity for Mr. Kreith to inspect the meter, as well

1 as if there was a second meter. You know, that's  
2 whatever we can get to that road or cross that bridge  
3 when we get there.

4 And then maybe reconvene in a month or so via  
5 phone, save everyone -- if it's okay with your Honor --  
6 save everyone a trip here, have a conference call to  
7 confirm that, you know, we've -- I provided Mr. Kreith  
8 with the -- for the discovery that he wants, and at that  
9 point set an evidentiary hearing.

10 ADMINISTRATIVE LAW JUDGE RILEY: All right. The  
11 one thing I do want to go back to, Mr. Kreith, is that  
12 with regard to the original complaint, if you're  
13 complaint is about \$1700 and we go to -- that's the  
14 issue that we're going to -- that I'm going to hear when  
15 we do go to evidentiary hearing, there's going to have  
16 to be a complaint that specifically says "\$1700." So  
17 that would have to -- The original complaint would be to  
18 be amended.

19 MR. KREITH: Okay.

20 ADMINISTRATIVE LAW JUDGE RILEY: And all you would  
21 have to do is get the same complaint for it and just say  
22 it's an amended complaint -- type "Amended complaint" on  
23 there.

24 MR. KREITH: Okay.

25 ADMINISTRATIVE LAW JUDGE RILEY: "Amended" above

1 where it says compliant here.

2 MR. KREITH: All right.

3 ADMINISTRATIVE LAW JUDGE RILEY: And just say what  
4 you're contesting with regard to the \$1700, and file it  
5 with the same Office of the Chief Clerk.

6 MR. KREITH: Okay.

7 MR. PADRON: And make sure you have the same  
8 number, the 14-0087.

9 ADMINISTRATIVE LAW JUDGE RILEY: Same docket  
10 number.

11 MR. PADRON: Same docket number. Correct.

12 ADMINISTRATIVE LAW JUDGE RILEY: So once that's  
13 done -- Okay. Well, we can proceed in the meantime.  
14 You're going to go ahead with the inspection?

15 MR. PADRON: Yep. Yes.

16 ADMINISTRATIVE LAW JUDGE RILEY: Do whatever you  
17 can with regard to that discovery.

18 MR. PADRON: I will.

19 ADMINISTRATIVE LAW JUDGE RILEY: And is there  
20 something I left out?

21 MR. PADRON: I don't think so. There's no need for  
22 Peoples to file a reply if we're going to proceed on the  
23 one issue.

24 ADMINISTRATIVE LAW JUDGE RILEY: So there is no  
25 dispute as to that issue, then?

1           MR. PADRON: No. I mean, that -- We issued the  
2 bill to them, and -- and Mr. Kreith has absolutely every  
3 right to contest that bill, given the circumstances.

4           And, you know -- We'll -- Like I said, we'll  
5 provide the meter, and, you know, if he wants to depose  
6 any of the gentlemen that removed the meter, and we can  
7 reconvene via phone, you know, in -- maybe 45 days would  
8 be more appropriate and set an evidentiary hearing at  
9 that time if need be. And, obviously, I'll work with  
10 Mr. Kreith in the meantime to see if we can resolve this  
11 thing.

12          MR. KREITH: Yep.

13          MR. PADRON: I told him yesterday that I like to  
14 solve problems, and I want everybody to move forward.

15          ADMINISTRATIVE LAW JUDGE RILEY: Okay. I'll give  
16 it another 30-to-45-day period. But please get it done  
17 in this 30-to-45 days. We can drag this out to late  
18 autumn the way things are going.

19          MR. PADRON: I certainly will, Judge.

20          ADMINISTRATIVE LAW JUDGE RILEY: So what we're  
21 looking for is a date to reconvene telephonically.

22          MR. PADRON: Yes.

23          ADMINISTRATIVE LAW JUDGE RILEY: And all I ask is  
24 that the parties -- Well, could somebody set up a  
25 bridge?

1           MR. PADRON: Yes. Peoples will set up a bridge.  
2           ADMINISTRATIVE LAW JUDGE RILEY: Okay. That's  
3 fine.  
4           So we are at June 24. That will take us to  
5 roughly the early part of August.  
6           MR. PADRON: Let's see here --  
7           ADMINISTRATIVE LAW JUDGE RILEY: Well --  
8           MR. PADRON: -- maybe.  
9           ADMINISTRATIVE LAW JUDGE RILEY: -- or maybe just  
10 the end of July.  
11          MR. PADRON: Maybe August 5th. It's a Tuesday.  
12          MR. KREITH: That would work for me.  
13          MR. PADRON: That's good.  
14          ADMINISTRATIVE LAW JUDGE RILEY: We're wide open.  
15          MR. PADRON: Great.  
16          ADMINISTRATIVE LAW JUDGE RILEY: Okay.  
17          MR. PADRON: Whatever -- Whatever time works best  
18 for you, Judge, or you Mr. Kreith.  
19          ADMINISTRATIVE LAW JUDGE RILEY: Well, it works for  
20 me telephonically. I mean, we know there are no travel  
21 restrictions or anything like that.  
22          MR. KREITH: Any time is good.  
23          ADMINISTRATIVE LAW JUDGE RILEY: If we do it at  
24 10:00 a.m., is that all right?  
25          MR. PADRON: Yes.

1 ADMINISTRATIVE LAW JUDGE RILEY: Everyone will have  
2 had their coffee by then?

3 MR. KREITH: Yep. Perfect.

4 MR. PADRON: Yes. That's good.

5 MR. KREITH: I did want to add a couple things.  
6 I'm still getting bills from Peoples and phone calls  
7 that I would like to cease.

8 MR. PADRON: Yeah. And I apologies to Mr. Kreith  
9 about that. He shouldn't be receiving bills regarding  
10 the contested amount.

11 ADMINISTRATIVE LAW JUDGE RILEY: Contesting sum?

12 MR. PADRON: Yeah.

13 ADMINISTRATIVE LAW JUDGE RILEY: That's why it's  
14 important to get that complaint in, and it will freeze  
15 the amount.

16 MR. KREITH: Okay.

17 ADMINISTRATIVE LAW JUDGE RILEY: It literally will  
18 freeze the due date on that amount until there has been  
19 a resolution by the Commission or the parties.

20 MR. KREITH: And, you know, I'm getting bills now,  
21 and they're adding a late charge.

22 Should I go to the original bill of what it  
23 was without the late charges now or --

24 MR. PADRON: Maybe you just want to put in your  
25 amended complaint, you know, any -- any charges relating

1 to the disputed amount.

2 MR. KREITH: Okay.

3 MR. PADRON: And, obviously, when we -- if we end  
4 up proceeding to evidentiary hearing, we'll adjust those  
5 accordingly if it's determined that he shouldn't have  
6 been billed that, you know, \$1700.

7 ADMINISTRATIVE LAW JUDGE RILEY: All right. Then  
8 that will be part of the issue.

9 MR. PADRON: Yes. Yeah.

10 ADMINISTRATIVE LAW JUDGE RILEY: All right. And  
11 the only other thing I want to say, Mr. Kreith, is that  
12 when you do file the amended complaint for the 1700,  
13 drop the references to the theft and trespassing and  
14 that kind of thing because, again, you know, the  
15 Commission, it's beyond their power.

16 MR. KREITH: Yeah. Right.

17 And I was just -- On the request I had for  
18 evidentiary stuff, No. 2, I would still like to see the  
19 work order from Peoples that was issued to send them out  
20 to my house.

21 MR. PADRON: That shouldn't be a problem. I  
22 mean --

23 MR. BAILEY: That's fine.

24 MR. KREITH: I would love to see that whole paper  
25 trail and exactly why they came and what was involved.

1           MR. PADRON: Yeah. That's -- That makes perfect  
2 sense. That's fine. We'll make sure to get that you  
3 material.

4           ADMINISTRATIVE LAW JUDGE RILEY: Okay. So I'll  
5 leave the parties free to conduct their discovery and  
6 get their -- get the inspection done and exchange the  
7 information as they agree on.

8           MR. PADRON: Sounds good.

9           ADMINISTRATIVE LAW JUDGE RILEY: And we'll  
10 reconvene on August 5 telephonically at 10:00 a.m., and  
11 we'll see where we are. And, if necessary, we'll set a  
12 date for hearing.

13          MR. KREITH: Thank you.

14          MR. PADRON: Thank you.

15                               (Which were all the proceedings had  
16                               in the above-entitled cause.)

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1     STATE OF ILLINOIS     )  
                                  )   SS.  
2     COUNTY OF COOK     )

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4             Traci L. Gidley, being first duly sworn, on  
5     oath says that she is a Certified Shorthand Reporter and  
6     Registered Professional Reporter doing business in the  
7     City of Chicago, County of Cook and the State of  
8     Illinois;

9             That she reported in shorthand the proceedings  
10    had at the foregoing Hearing;

11            And that the foregoing is a true and correct  
12    transcript of her shorthand notes so taken as aforesaid  
13    and contains all the proceedings had at the said  
14    Hearing.

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TRACI L. GIDLEY, CSR, RPR

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19    CSR No. 084-004643

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21    SUBSCRIBED AND SWORN TO  
22    before me this 3rd day of  
23    July, A.D., 2014.

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NOTARY PUBLIC

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